Claims 1-26 are at issue. Claims 1- 26 stand rejected under 35 USC 112 first paragraph as based on a disclosure which is not enabling. Claims 1-7, 10-11, 13-20, 23 & 25 stand rejected under 35 USC 102 (a,b,e) as anticipated by Visual Object-Oriented Programming (VOOP). Claims 8, 12 & 26 stand rejected under 35 USC 103(a) as being unpatentable over VOOP and Official Notice.

A new declaration is enclosed.

With respect to the drawings and the 35 USC 112, first paragraph rejection, the applicants would like to point the Examiner's attention to MPEP 2164.04 and *In re Wright,* 999 F.2d 1557, 27 USPQ2d 1510, 1513 (Fed. Cir 1993). The court states that "A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented <u>must</u> be taken as being in compliance with the enablement requirement, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support." This statement makes it clear that the burden of proof is on the Examiner. The Examiner has not stated a "reason to doubt the objective truth" of the statements in the patent application. The Examiner has merely stated in his opinion, the specification is not enabling in his opinion. The rejection under 35 USC 112, first paragraph must be withdrawn. In addition, the rejection of the drawings must also be withdrawn.

With respect to the Official Notice rejections, the applicants traverse all these rejections and demand that the Examiner find a reference that shows these elements.

With respect to claim 1, it requires a translator for creating a high-level computer language. The Examiner points to Chapter 7 of the VOOP text. Page 150 states that the icons are placed in the "runtime application". The circuit can then be run by selecting execute. There is no discussion of a translator or compiler of high level computer language. Clearly the section pointed to by the Examiner is an interpretive language. As stated in the specification, page 2, lines 12-13 the system "automatically

creates the computer code to drive the user interface in a new product." This clearly is not done by Vampire system in the VOOP text. Claim 1 is allowable.

Claims 2-4 are allowable as being dependent upon an allowable base claim.

Claim 5 requires a translator. There is no discussion of a translator in the prior art. Claim 5 is allowable.

Claim 6 requires a translator. There is no discussion of a translator in the prior art. Claim 6 is allowable.

Claim 7 requires a translator. There is no discussion of a translator in the prior art. Claim 7 is allowable.

Claim 8 requires a translator. There is no discussion of a translator in the prior art. Claim 8 is allowable.

Claim 9 requires a translator. There is no discussion of a translator in the prior art. Claim 9 is allowable.

Claim 10 requires translating the graphical object into a high level computer language and compiling the code. The Examiner points to Chapter 7 of the VOOP text. Page 150 states that the icons are placed in the "runtime application". The circuit can then be run by selecting execute. There is no discussion of a translator or compiler of high level computer language. Clearly the section pointed to by the Examiner is an interpretive language. As stated in the specification, page 2, lines 12-13 the system "automatically creates the computer code to drive the user interface in a new product." This is clearly not done by Vampire system in the VOOP text. Claim 10 is allowable.

Claim 11 requires identifying a target processor for the compiler. There is no discussion of compilers or translators in the VOOP text. In addition, the Examiner has not pointed to any specific part of the text just large sections. The Examiner must point to the specific text or drawing that shows the elements. Claim 11 is allowable.

Claim 12 requires determining if dynamic memory allocation is on. There is no discussion of this in the prior art. The Examiner's Official notice is traversed. Claim 12 is allowable.

Claim 13 requires a translating. There is no discussion of a translating in the prior art. Claim 13 is allowable.

Claim 14 requires creating an animation sequence by <u>example</u>. None of the pages pointed to by the Examiner discuss animation by <u>example</u>. In addition, claim 14 requires animating an input stimulus. There is no discussion of this in any of the pages pointed to by the Examiner. Claim 14 is allowable.

Claim 15 requires a translator for creating a high-level computer language. The Examiner points to Chapter 7 of the VOOP text. Page 150 states that the icons are placed in the "runtime application". The circuit can then be run by selecting execute. There is no discussion of a translator to high level computer language. Clearly the section pointed to by the Examiner is an interpretive language. As stated in the specification, page 2, lines 12-13 the system "automatically creates the computer code to drive the user interface in a new product." This is clearly not done by Vampire system in the VOOP text. Claim 15 is allowable.

Claims 16-17 are allowable as being dependent upon an allowable base claim.

Claims 18-22 requires a translator with various functions. There is no discussion of a translator. Claims 18-22 are allowable.

Claims 23 requires a data array and array builder. A close reading of page 75 of the VOOP text never discusses data arrays or an array builder. Claim 23 is allowable.

Claim 24 requires a data sizing function. The Official Notice is traversed. The Examiner must find a reference that shows the elements of this claim. Claim 24 is allowable.
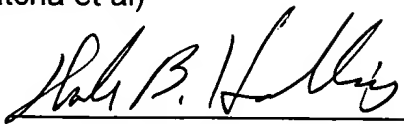
Claim 25 is allowable as being dependent upon an allowable base claim.

Claim 26 requires a dynamic memory choice. There is no discussion in the prior art of this. The Examiner's Official notice is traversed. Claim 26 is allowable.

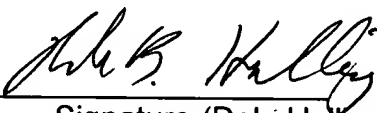Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Batcha et al)

By _____

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I hereby certify that an ____Response____ is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Honorable Commissioner of Patents and Trademarks P.O. Box 1450, Alexandria, VA 22313-1450, on:

1/29/04
Date

_____
Signature (Dale Halling)